



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,531	09/26/2001	Ramesh Pendakur	42390P11545	3771

7590 05/10/2006

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

HUYNH, SON P

ART UNIT PAPER NUMBER

2623

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,531

Applicant(s)

PENDAKUR, RAMESH

Examiner

Son P. Huynh

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to amended claims 1, 8, 11, 15, 18 and original claims 2-7, 9-10, 12-14, 16-17, 19-20 have been considered but are not persuasive.

Applicant argues neither Schaeffer nor Ellis discloses, teach, or suggest "enabling notification of the user by transmitting a notification request to a notification system in accordance with the notification preference of the user". Schaeffer is silent with respect to any types notification preference (page 12, paragraphs 2-3).

In response, this argument is respectfully traversed. First, it is noted that the claimed does not recite "types of notification preference". Instead, the claim is amended to recite "a notification preference" and "enabling notification of the user by transmitting a notification request to a notification system in accordance with the notification preference of the user". Schaeffer discloses the user may configure the user's profile so that alerts are only provided on certain information items, or during certain times, or only when the user is watching certain types of channels or programming. The information alert may be sent to a cellular telephone, pager, or other wireless device (paragraphs 0015-0018). The user can configure a profile that the inventive television system can use to determine which information alerts, if any, the user wishes to see. In other words,

Art Unit: 2623

the user can fully determine through a multitude of parameters how and when information alerts are received. For example, user may only want the information alerts during a certain time, or during viewing of certain channels, or only certain types of information alerts. The information alerts is a visual and/or audio cue that is presented to the user. For example, interactive video casting system may be configured to send a "parental control" information alert to a parent via cellular telephone or pager (according to information alert of parental control set in user profile) when someone has activated the television set and is attempting to view a program intended for mature audiences (paragraphs 0018-0019, 0021). Thus, the preference data comprises type of notification preference such as notification only at certain times, only in certain types of channel, program, on certain information item, etc. The claimed feature of "enabling notification of the user by transmitting a notification request to a notification system in accordance with the notification preference of the user" in interpreted as enabling/displaying visual notification (such as an icon or scrolling "news ticket") and/or audio cue to the user about the "parental control" alert, news alert, sports alert, etc. by transmitting a visual request and/or a cue to the television screen or to cellular telephone or pager in accordance with the notification preference such as certain time, certain program, certain channel, etc. configured by the user in the user profile.

For the reasons given above, rejections on claims 1-20 are analyzed as discussed below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13, 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaefer et al. (US 2002/0124252).

Regarding claim 1, Schaefer discloses a method comprising:

accessing content descriptive data corresponding to content operable to be transmitted to a reception system associated with a user (processing information event (title, channel, descriptive information) corresponding to event (i.e. football game, a movie, etc.) to be transmitted to a receiving apparatus (e.g., 152,154,162,158) associated with a user – figure 2, paragraphs 0015-0016);

accessing preference data that describes a content preference of the user and a notification preference of the user (processing user profile with preferences that describes types of information that is interest to a user and preference of alert information such as only alert at certain time, certain program, certain channel, certain

Art Unit: 2623

type of alert such as “parental control” alert, news alert, sport alert, etc. - figure 7, paragraphs 0015-0019,0029, 0043-0048);

determining to notify the user by comparing the content descriptive data with the preference data and determining that the content descriptive data matches the preference data (determining to alert the user by comparing the program schedule information and the user preference profile and determining the matches of the data to provide a customized program schedule – figure 7; col. 18, lines 1-29; col. 13, line 8-col. 14, line 20) ;

enabling notification of the user by transmitting a notification request to a notification system in accordance with the notification preference of the user (enabling/displaying visual notification (such as an icon or scrolling “news ticket”) and/or audio cue to the user about the “parental control” alert, news alert, sports alert, etc. by transmitting a visual request and/or a cue to the television screen or to cellular telephone or pager for displaying/notifying in according with the notification preference such as certain time, certain program, certain channel, etc. configured by the user in the user profile.– see including, but are not limited to, paragraphs 0015-0021, 0028, 0043-0048, 0051, 0054, 0064-0066, 0069).

Regarding claim 2, Schaefer further discloses accessing content descriptive data corresponding to digital multimedia entertainment content selected for transmission to the reception system and operable to be transmitted over a broadcast channel to the reception system which comprises a memory to store the content (accessing program

Art Unit: 2623

information/event information corresponding to programs/events selected for transmission to the reception system (i.e. set top box, pager, cellular phone, etc.), the program information/event information and programs/events are transmitted to set top box, pager, cellular phone, etc. over a broadcast channel; the reception system comprises a memory to store the program/event – figures 1-3, paragraphs 0015, 0021, 0027, 0051, 0052).

Regarding claim 3, Schaefer further discloses generating a notification request (information alert, visual information (icon or “news ticker”) and/or audio cue) by using at least a portion of the content descriptive data (i.e. name of event/program, type of channel, etc.) – paragraphs 0015-19, 0028);

transmitting the notification request by using a predetermined stored address corresponding to the notification system (transmitting information alert to predetermined device address, i.e. addresses of pager, telephone, etc. so that only subscribers receives information alerts – paragraphs 0016-0019, 0032).

Regarding claim 4, Schaefer further discloses transmitting a notification request (information alert, visual information (icon or “news ticker”) and/or audio cue) operable to cause a notification from the notification system selected from the group consisting of a pager, and a phone (transmitting information alert to cause an alert from the notification system selected from the group consisting of a pager, cellular phone – paragraphs 0015-0021, 0047).

Regarding claims 5 and 7, the limitations of the claimed machine-readable medium corresponding to the limitations of the method as claimed in claims 1 and 3 respectively. Schaefer further discloses the functions are performed by machine-readable instructions, software, code and the like that is stored in one or more machine-readable media (paragraph 0061). Therefore, the limitations as claimed are analyzed as discussed with respect to the rejection of claims 1 and 3.

Regarding claim 6, Schaefer further discloses instructions causing the machine to transmit the notification request (information alert, visual information (icon or “news ticker”) and/or audio cue) to a notification system selected from the group consisting of a personal computer, a laptop, a person digital assistant, and an email account (paragraphs 0015-0016, 0039-0042).

Regarding claims 8-10, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1, 4, 3 respectively, and are analyzed as discussed with respect to the rejection of claims 1, 4, 3. Furthermore, since the information alert is only provided and displayed for only certain program name/event, channel, time, etc. according to preference data configured in user profile (paragraphs 0015-0021), the notification request is inherently issued if the content descriptive data matches the profile.

Art Unit: 2623

Regarding claim 11, Schaefer further discloses the digital content includes digital content having a type that is selected from the group consisting of music, software, and video game (movie, commercial, music video, computer games, etc. paragraphs 0015, 0038, 0042, 0048).

Regarding claim 12, Schaefer further discloses the profile (either stored in set top box or headend, or remote control unit) is coupled with the user via a communication link and operable to be modified by the user (figure 2, paragraphs 0027, 0045, 0048, 0049).

Regarding claim 13, Schaefer further discloses preference data (user profile information) was obtained by observing and recording content consumption by the user (user profile was accumulated as the user participates in or uses the interactive video castings system. For example, user purchases items – paragraph 0049).

Regarding claim 15, the limitations of the system correspond to the limitations of the method as claimed in claim 1, and are analyzed as discussed with respect to the rejection of claim 1.

Regarding claim 16, Schaefer further discloses the notification means comprises a notification system selected from a group consisting of: a pager, a telephone, and a personal digital assistant (PDA) – paragraphs 0039-0042).

Art Unit: 2623

Regarding claim 17, Schaefer further discloses the content (movie, music video, sporting event, etc. – paragraphs 0038, 0042);

a content reception system to receive the content (set top box, PC, etc. – figure 2, paragraphs 0027-0030, 0038, 0042);

a content presentation system (i.e. TV or monitor) to present the content to the user (figure 2, paragraph 0029, 0042).

Regarding claim 18, Schaefer discloses a system comprising:

a receiver (i.e. receiver of provider, receiver coupled to set top box, etc.) to receive broadcast content (i.e. program 402) and content descriptive data (program information) – figures 1, 2, paragraphs 0015, 0023, 0042);

a notification requesting system coupled to the receiver (i.e. interface to the receiver, memory that store user profiles, processor that coupled to the set top box) and comprising a predetermined notification system address corresponding to a notification system to receive the content descriptive data and generate a notification request addressed to the notification system and comprising the content descriptive data (since the information alert/program is sent to particular device such as television display device, cellular telephone, pager, etc.– paragraphs 0015-0021, 0032, the device address is inherently comprised in the notification requesting system so that the notification system sends the information alert to the particular subscriber or device such as television display device, cellular telephone, pager, etc. based on information configured in user profile by the user. The notification requesting system generates

Art Unit: 2623

information alert and sends information alert to predetermined devices i.e. pager, cellular phone, paragraphs 0015, 0032, 0039-0047, 0053); and

a transmitter (i.e. at the provider or at the set top box that interface to the pager, cellular phone, etc. – figure 2) coupled with the notification requesting system to receive the addressed notification request and to transmit the request to the notification system (receive and transmit information alert to addressed devices such as pager, cellular phone, television display device, etc. according to preference data configured by the user in user profile – paragraphs 0015-0021, 0039-0047, figure 2).

Regarding claim 19, Schaefer further discloses the notification system is a mobile notification system (i.e. pager, cellular phone, PDA – paragraphs 0039-0047). Schaefer further discloses the information alert/data is transmitted to a particular devices i.e. particular pager, only subscribers, etc. – paragraphs 0015-0021, 0032, 0053).

Inherently, the notification requesting system comprises an address of the mobile notification system.

Regarding claim 20, Schaefer further discloses the system further comprises:

a cache to stored received content (paragraphs 0027, 0038, 0052);

a profiling system to modify a user profile by storing content descriptive data for content that the user consumes (paragraphs 0045, 0048-0049).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer et al. as applied to claim 8 above, and in view of Ellis et al. (US 2004/0117831).

Regarding claim 14, Schaefer teaches a system as discussed in the rejection of claim 8. Schaefer further discloses the notification requesting system is a notification system to generate a first request at a first time prior to transmission of the content to the user to enable the notification system to notify the user of content before it is transmitted (transmitting request for information alert of the content before the content is transmitted – paragraphs 0016-0019). Schaefer also discloses a second request at a second time subsequent time (select to record/store the program in response to the alert information paragraphs 0051, 0052). However, Schaefer does not specifically disclose the after transmission of the content to the user, the notification system notify the user of content after it has been transmitted.

Art Unit: 2623

Ellis discloses when the recording is complete, the program guide may notify user that the program has been recorded and is available for viewing (paragraph 0149) broadly reads on request at a time after transmission of the content to the user, the notification system notify the user the content after it has been transmitted. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schaefer to use the teaching as taught by Ellis in order to notify the user of the complete recorded and available content, thereby improve convenience to user.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mousseau et al. (US 6,438,585) discloses system and method for redirecting message attachments between a host system and a mobile data communication device.

Ellis et al. (US 2005/0028208 A1) discloses interactive television program guide with remote access.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2623

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

It is noted that Group Art Unit 2611 has been changed to Group Art Unit 2623

SPH
May 3, 2006


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600